

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

3 UNITED STATES OF AMERICA, ) Docket No. 11 CR 50062  
4 Plaintiff, )  
5 v. ) Rockford, Illinois  
6 DAYTON POKE, ) Friday, August 28, 2015  
7 Defendant. ) 9:00 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE FREDERICK J. KAPALA

## APPEARANCES:

11 For the Government: HON. ZACHARY T. FARDON  
12 United States Attorney  
13 (327 S. Church Street,  
Rockford, IL 61101) by  
MR. JOSEPH C. PEDERSEN  
Assistant U.S. Attorney

14 For the Defendant: LAW OFFICE OF TINA LONG RIPPY  
15 (216 N. Court Street,  
Rockford, IL 61103) by  
MS. TINA LONG RIPPY

16 Court Reporter: Mary T. Lindblom  
17 327 S. Church Street  
Rockford, Illinois 61101  
18 (779) 772-8309

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1                   THE CLERK: 11 CR 50062, U.S.A. v. Dayton Poke.

2                   MR. PEDERSEN: Good morning, your Honor. Joe Pedersen  
3 on behalf of the United States.

4                   MS. RIPPY: Good morning, your Honor. Tina Long Rippy  
5 here. I guess I'm still counsel for Mr. Poke. So, that's why  
6 I'm appearing today.

7                   THE COURT: All right. You know, I do not know if you  
8 are still a counsel for Mr. Poke. I was able to reference the  
9 plan of the United States Court of Appeals for the Seventh  
10 Circuit to supplement the plans of the several United States  
11 District Courts within, and in that plan -- and Section 5 had  
12 the duties of appointed counsel. It says, "Appointed appellate  
13 attorneys have a duty to continue to represent their clients  
14 after remand to the district court. An attorney appointed for  
15 the appeal who is unable to continue at the trial level should  
16 move in the district court for withdrawal and appointment of  
17 trial counsel."

18                  MS. RIPPY: That's always -- since I've been counsel on  
19 appeals before in the Ninth Circuit, that's how I have always  
20 understood it to be, and that's how I've -- if I had cases  
21 remanded, I have been the counsel of record in the district  
22 court, but I did not know. So, I --

23                  THE COURT: It's always better to file the motion and  
24 be safe, I suppose.

25                  MS. RIPPY: Yes. And in all abundance of caution, I

1 did file the motion.

2 THE COURT: All right. Well, I suppose then your  
3 motion is -- you can withdraw it.

4 MS. RIPPY: I can, your Honor.

5 THE COURT: And that leaves the appellate counsel as --

6 MS. RIPPY: I'm sorry, your Honor, but I had a question  
7 about it because I remember looking at the list of people that  
8 were sent the notice for today. I did not see appellate counsel  
9 on there.

10 THE COURT: Right. My clerk advises me that his  
11 appellate counsel was a George Taseff, T-a-s-e-f-f, Acting Chief  
12 Federal Defender, and Assistant Federal Defender Peter W.  
13 Henderson filed an appearance and prepared the actual briefing.  
14 So, I suppose Mr. Henderson is still Mr. Poke's attorney unless  
15 he moves to withdraw, unless you have some different authority  
16 for me.

17 MS. RIPPY: No, that's how I understand it, but I just  
18 wanted to be certain I covered all my bases.

19 THE COURT: All right. Nice to see you again.

20 MS. RIPPY: Nice to see you, Judge.

21 THE COURT: Let's set it for a hearing. Maybe you --  
22 do you want to contact Mr. Henderson?

23 MR. PEDERSEN: Typically when they're appointed, they  
24 don't continue if the case is remanded. Then there's usually a  
25 new attorney appointed. So --

1                   THE COURT: Well, that's what this says.

2                   MR. PEDERSEN: I understand that, your Honor. I'm just  
3 saying what's happened in the past.

4                   THE COURT: Why don't we do this. Why don't I give you  
5 a chance to contact Mr. Henderson, find out what he wants to do.

6                   MR. PEDERSEN: Okay.

7                   THE COURT: And then if he withdraws, I'll appoint  
8 trial counsel.

9                   MR. PEDERSEN: Okay.

10                  MS. RIPPY: Okay. And I'll withdraw my motion, your  
11 Honor.

12                  THE COURT: Thank you. I'll set this for next Friday.

13                  MR. PEDERSEN: That's fine. Or, actually, could we go  
14 two weeks?

15                  THE COURT: Sure.

16                  MR. PEDERSEN: I'm not going to be here next Friday.

17                  THE COURT: September 11th.

18                  MR. PEDERSEN: Pardon me?

19                  THE COURT: September 11th.

20                  MR. PEDERSEN: All right. Thank you, your Honor.

21                  (Which were all the proceedings had in the above-entitled  
22 cause on the day and date aforesaid.)

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1           I certify that the foregoing is a correct transcript from  
2       the record of proceedings in the above-entitled matter.

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/s/ Mary T. Lindbloom

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Official Court Reporter

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